

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MALIBU MEDIA, LLC ,

Plaintiff,

CASE NO. 1:18-CV-138

v.

HON. ROBERT J. JONKER

MIKE VALLIERE,

Defendant.

ORDER

Plaintiff moves, ex parte, for an order approving alternate service on defendant Mike Valliere. The recitals in the motion demonstrate diligent and repeated efforts at conventional service, and suggest that this may well be an appropriate case for alternate service. However, the factual recitals are not "verified," as required by the Court Rule upon which plaintiff relies. There are no affidavits attached, and no declarations under penalty of perjury, either of which would be sufficient to meet the verification requirement.

The Court also notes that this is a case with particular ties to internet technology. Under the circumstances, in any order authorizing alternate service, the Court would like to provide an electronic notice vehicle, in addition to any posting at a last known address. The Court is no expert on what, if any, electronic delivery vehicle may be appropriate here. However, plaintiff may have such information based on its initial investigation through the ISP of the IP address involved in this case. In addition, the Court notes that a simple Google search of the defendant's name turns up only one individual with obvious Northern Michigan ties: namely, Mike Valliere with a published email address (as part of a business) of djmikey@funstuff.com. The bio section of the

website reports that Mike Valliere is "married with 5 children and lives in Northern Michigan." This may or may not be the individual defendant in the case, but when it comes to alternate service, it may be an appropriate part of any reasonable effort to provide actual notice to the proper party.

The Motion (ECF No. 19) is **DENIED WITHOUT PREJUDICE** to a renewed motion addressing these issues.

IT IS SO ORDERED.

Dated: August 6, 2018

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE